

## Weil, Gotshal & Manges LLP

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October 16, 2018

Honorable Robert W. Lehrburger  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *UMB Bank, N.A. v. Sanofi*, No. 15 Civ. 8725 (GBD) (RWL)

Dear Magistrate Judge Lehrburger:

This responds to Plaintiff's October 16, 2018 letter.

Plaintiff's letter does not rebut the fundamental premise of Sanofi's application for targeted discovery of Stonehill: namely, that the recent deposition testimony of Plaintiff's Rule 30(b)(6) witness, Gavin Wilkinson, clearly confirmed that Michael Stern of Stonehill is orchestrating and serving as the driving force behind this litigation and is a plaintiff in all but name. Contrary to Plaintiff's assertion in its letter, Mr. Wilkinson's deposition testimony, in multiple portions ignored by Plaintiff, indeed provides new facts for the Court's consideration.<sup>1</sup>

The Court invited Sanofi to renew its application in the event that any new bases arose for discovery of the CVR holders, and that is what we have brought to Your Honor's attention. Now, however, instead of requesting discovery from 26 subpoenaed CVR holders, Sanofi is simply seeking discovery from one source: the Stonehill entities.

For the above reasons, as well as those set forth in our October 15 letter, we respectfully submit that the narrowly-tailored discovery that is being sought is relevant just as it would be if Stonehill were the actual named plaintiff. There has been no claim (nor could there be) that such discovery is burdensome. Equally important, the targeted discovery that Sanofi seeks is fundamentally fair in light of Stonehill's central role in this matter and the extraordinarily one-sided discovery burden that Sanofi has shouldered in this case.

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<sup>1</sup> It is for these reasons, revealed during Mr. Wilkinson's recent deposition, that Sanofi submitted its October 15 letter when it did. Indeed, I too am presently in France for this week's depositions of Serge Weinberg and Olivier Brandicourt, Sanofi's Chairman and CEO, respectively.

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Respectfully submitted,

/s/ John A. Neuwirth  
John A. Neuwirth

cc: Counsel of Record